



FEDERAL ELECTION COMMISSION

Washington, DC 20463

BY FACSIMILE AND U.S. MAIL

Richard M. Gabrys, Treasurer  
Touma for Congress  
630 West Breckenridge Street  
Ferndale, MI 48220

January 6, 2000

RE: MUR 4921  
Touma for Congress Committee  
Richard M. Gabrys, as Treasurer

Dear Mr. Gabrys:

This letter is to inform you that we are in receipt of your fax transmission of December 21, 1999, detailing 48-Hour Notice faxes transmitted to the FEC by Touma for Congress corresponding with contributions received by the Committee. The information you provided further confirms the proper filing of a majority of the 48-Hour Notices required of the Touma for Congress Committee immediately preceding the general election of November 3, 1998. However, the response does not address the lack of reporting of a number of other contributions. It is these unreported contributions which are at issue.

Schedule A of the 1998 30 Day Post-General Report filed by Touma for Congress indicates that the Committee failed to file 48-Hour Notices for twenty-eight contributions received during the period of October 15 through October 31, 1998. The following is a list of the contributions for which no 48-Hour Notices were filed.

Contributor Name	Date of Contribution	Amount	48-Hour Notice Received
<i>Individuals</i>			
Roger Jackson	10 20 98	\$1,000	No
Jillian Jackson	10 20 98	\$1,000	No
Daniel Armistead	10 22 98	\$1,000	No
Mary Armistead	10 22 98	\$1,000	No
David Benoit	10 22 98	\$1,000	No
L. Jean Benoit	10 22 98	\$1,000	No
Richard Crawford	10 22 98	\$1,000	No
Stephen D'Arcy	10 22 98	\$1,000	No
Wade Haddad	10 22 98	\$1,000	No
Joseph Loving	10 22 98	\$1,000	No
M. Sandra Loving	10 22 98	\$1,000	No
Susan Neilson	10 22 98	\$1,000	No
Donald Peterson	10 22 98	\$1,000	No

John Rozak	10 22 98	\$1,000	No
Gary Stein	10 22 98	\$1,000	No
Michael Stein	10 22 98	\$1,000	No
Elizabeth Crawford	10 22 98	\$1,000	No
Jerome Montopoli	10 23 98	\$1,000	No
Allie Berry	10 26 98	\$1,000	No
Ali Jawad	10 26 98	\$1,000	No
Julie Garmo	10 29 98	\$1,500	No
Melotte Garmo	10 29 98	\$1,500	No
<i>Committees</i>			
AGC PAC	10 15 98	\$2,500	No
Arthur Anderson PAC	10 19 98	\$1,000	No
Budd Citizenship Cmte	10 22 98	\$1,000	No
American Medical PAC	10 22 98	\$5,000	No
PAC 96	10 23 98	\$1,000	No
NRA Political Victory Fund	10 26 98	\$2,500	No

In your fax of December 21, 1999, you list a total of sixteen faxes sent by the Committee to the FEC on ten separate days. The FEC received fifteen faxes from the Committee during this time period which correspond directly with the transmittal times indicated in your phone records. This Office considers all contributions reported therein to have been properly filed. The following is a list of faxes transmitted to the FEC, drawn from your analysis and the phone record information provided in your faxes of October 25 and December 21. This list also contains information drawn from the corresponding 48-Hour Notices which were received by the FEC.

Date	Time	#Contributions	\$Contributions	Fax Received
10 19 98	9:44 AM	5	\$9,000	Yes
10 19 98	1:26 PM	5	\$10,000	Yes
10 19 98	1:27 PM	1	\$1,000	Yes
10 21 98	10:52 AM	3	\$3,000	Yes
10 22 98	11:06 AM	2	\$2,000	Yes
10 26 98	11:01 AM	5	\$5,000	Yes
10 26 98	2:07 PM	2	\$2,000	Yes
10 27 98	10:26 AM	1	\$2,000	Yes
10/27/98	10:32 AM	5	\$10,500	No
10 27 98	11:34 AM	1	\$1,000	Yes
10 28 98	10:20 AM	1	\$1,000	Yes
10 28 98	2:41 PM	5	\$8,000	Yes
10 29 98	10:19 AM	1	\$2,000	Yes
10 30 98	11:36 AM	3	\$5,000	Yes
10 31 98	10:04 AM	1	\$1,000	Yes
11 02 98	10:19 AM	2	\$2,000	Yes

The fax of October 27, 1998, which is listed in your response of December 21, 1999, but which was not received by the FEC, appears to correspond with a completed 48-Hour Notice form included in your written response of September 7, 1999. This 48-Hour Notice is the only

one which appears to have been transmitted by the Committee, yet never received by the FEC. The contributions contained on this 48-Hour Notice of 10/27/98 are listed below.

Contributor Name	Date of Contribution	Amount
Donald E. Petersen	10/23/98	\$1,000
AMA PAC	10/23/98	\$5,000
NRA Political Victory Fund	10/26/98	\$2,500
Allie Berry	10/26/98	\$1,000
Ali Jawad	10/26/98	\$1,000

The above contributions totaling \$6,000 made by Donald E. Petersen and AMA PAC are reported as having been received on 10/23/98, and as such they were required to have been reported to the FEC by 10/25/98. These contributions are included in a 48-Hour Notice which you contend was faxed on 10/27/98. Even if the fax in question had been received by the FEC at the time of its transmission from the Committee, these two contributions would not have been properly reported within the required 48 hours after they were received.

Your fax of December 21, 1999 also indicates that 15 contributions apparently included in the first chart above, totaling \$15,000, were received on October 23, 1998, yet the information you have provided indicates that no 48-Hour Notices were sent to the FEC during the period of October 23 through October 25, 1998. No 48-Hour Notices from the Committee were received by the FEC during this time period.

This Office recognizes that in most cases, the Touma for Congress Committee complied with the 48-Hour Notice reporting requirements. However, it is the matter of the unreported contributions which is still at issue and which this Office would like to resolve as quickly as possible. It is with that in mind that this Office encourages the Committee to consider the Conciliation Agreement sent to you on September 1, 1999. Please respond by close of business Friday, January 14, 2000. If no response is received by that time, this Office will consider pre-probable cause conciliation at an end and will inform the Commission that we are going on to the next stage of the enforcement process.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Don Campbell  
Paralegal Specialist

cc: Candidate (by U.S. Mail)